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REMARKS

Upon entry of the present amendment, Claims 28-39 will remain pending in this application. Applicants have amended Claims 28, 29, 33, 34, 35, 36, and 39. Claims 26 and 27 have been canceled.

I. Rejection Under 35 U.S.C. § 112, first paragraph

Claims 26-39 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. As stated in the previous Office Action, the specification was found to be enabling for diseases/conditions selected from inflammation, rheumatoid arthritis, pain, common cold, osteoarthritis, etc. In an effort to expedite the prosecution and allowance of the application, Applicants have amended Claim 28 to define a method for the treatment of a disorder or condition selected from pain, inflammation, an inflammation associated disorder, osteoarthritis, and rheumatoid arthritis. Applicants reserve their right, without prejudice, to file divisional applications on the canceled subject matter of Claims 26 and 28.

The Applicants respectfully submit that Claims 28-39 are enabled with respect to the full scope of the presently amended claims; however, as stated above, in order to advance the prosecution of the present application, the Applicants have amended Claim 28 as set forth above.

Accordingly, the Applicants respectfully submit that the rejection of Claims 26-39 under 35 U.S.C. § 112, first paragraph, has been overcome by the present amendment. The Applicants respectfully request that the rejection be withdrawn.

II. Rejection Under 35 U.S.C. § 112, second paragraph

Claims 26-39 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended the claims exactly as suggested in the Office Action thereby overcoming the presently pending rejection. Accordingly, the Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

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III. Double Patenting

Claims 26-39 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-5 of co-pending Application No. 09/977,761 (PC23006A), now abandoned, and Claims 1-6 of co-pending Application No. 10/411,491. As United States Serial No. 09/977,761 has been abandoned and Claims 1-6 of United States Serial No. 10/411,491 are still pending, Applicants will defer response to this rejection until such time as the claims are granted.

IV. Conclusion

Upon entry of the present amendments, the Applicant submits that this application is now in condition for allowance, which allowance is respectfully solicited.

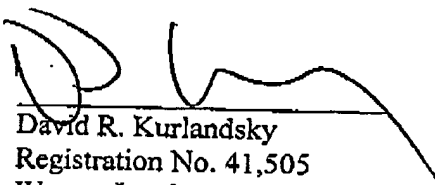
If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-7304.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any over payment in connection with this communication to our Deposit Account No. 23-0455.

Respectfully submitted,

Dated: 12/19/05


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